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Counsel for Defendant CORTEZ-RODRIGUEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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| UNITED STATES OF AMERICA, |) | No. CR-10-00732-JF |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] |
| |) | ORDER CONTINUING HEARING DATE |
| vs. |) | AND EXCLUDING TIME UNDER THE |
| |) | SPEEDY TRIAL ACT |
| MARIO CORTEZ-RODRIGUEZ, |) | |
| |) | |
| Defendant. |) | |
| |) | |

STIPULATION

Defendant Mario Cortez-Rodriguez, by and through Assistant Federal Public Defender Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney Bradley D. Price, hereby stipulate that, with the Court's approval, the court date previously scheduled for Thursday, June 9, 2011, shall be continued to Thursday, July 14, 2011, at 9:00 a.m.

The parties previously requested the Court continue the June 9, 2011, trial setting hearing date to permit the parties to prepare for and participate in a settlement conference previously set for June 13, 2011, before the Hon. Paul S. Grewal. However, at a hearing on June 13, 2011, before Judge Grewal, the parties agreed to continue the settlement conference to July 6, 2011, because of government counsel's unavailability caused by an unexpected illness. On July 6,

2011, the parties participated in the rescheduled settlement conference and a disposition of the matter is anticipated at the requested July 14, 2011, hearing date. Accordingly, the parties agree that the time between June 9, 2011, and July 14, 2011, is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation and continuity of counsel.

IT IS SO STIPULATED.

Dated: July 7, 2011

/s/
VARELL L. FULLER
Assistant Federal Public Defender

Dated: July 7, 2011

/s/
BRADLEY D. PRICE
Special Assistant United States Attorney

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~~{PROPOSED}~~ **ORDER**

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing previously set for June 9, 2011, shall be continued to Thursday, July 14, 2011, at 9:00 a.m., and 25-days are excluded from calculation under the Speedy Trial Act.

THE COURT FINDS that failing to exclude the time between June 9, 2011, and July 14, 2011, would unreasonably deny both counsels reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the government continuity of counsel. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between June 9, 2011, and July 14, 2011, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

1 THEREFORE, IT IS HEREBY ORDERED that the time between June 9, 2011, and July
2 14, 2011, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. §
3 3161(h)(7)(A) and (B)(iv).

4 IT IS SO ORDERED.

5 Dated: 7/13/11



THE HONORABLE JEREMY FOGEL
United States District Court Judge